

## **APPENDIX D**

### **LETTER FROM U.S. FISH AND WILDLIFE SERVICE**





United States Department of the Interior  
FISH AND WILDLIFE SERVICE

Ecological Services  
4000 Airport Parkway  
Cheyenne, Wyoming 82001



ES-61411  
TAR/W.02/WY (GTNPWntr.sp2)

February 22, 2000

Memorandum

To: Jack Neckels, Superintendent, Grand Teton National Park, Moose, Wyoming  
From: Field Supervisor, Ecological Services, Cheyenne, Wyoming *Michael H. Long*  
Subject: Species List - Winter Use Plan, Draft Environmental Impact Statement

Thank you for your telephone request of February 16 regarding a current species list for the Winter Use Plan and Draft Environmental Impact Statement (DEIS) for the Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr. Memorial Parkway.

In accordance with section 7(c) of the Endangered Species Act of 1973, as amended (Act), my staff has determined that the following threatened or endangered species, or species proposed for listing under the Act, may be present in the project area.

Listed and Proposed Species

<u>Species</u>	<u>Status</u>	<u>Expected Occurrence</u>
Canada lynx ( <i>Lynx canadensis</i> )	Proposed	Resident of forested areas
Gray wolf ( <i>Canis lupus</i> )	Experimental, non-essential	Potential resident.
Grizzly bear ( <i>Ursus arctos horribilis</i> )	Threatened	Resident.
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Threatened	Nesting. Winter resident. Migrant.
Whooping crane ( <i>Grus americana</i> )	Experimental, non-essential	Resident. Migrant.
Ute Ladies'-tresses ( <i>Spiranthes diluvialis</i> )	Threatened	Seasonally moist soils and wet meadows of drainages below 6500 feet elevation.

Section 7(c) of the Act requires that a biological assessment be prepared for any Federal action that is a major construction activity to determine the effects of the proposed action on listed and proposed species. If a biological assessment is not required (i.e., all other actions), the lead

Federal agency is responsible for review of proposed activities to determine whether listed species will be affected. We would appreciate the opportunity to review any such determination document. If it is determined that the proposed activities may affect a listed species, you should contact this office to discuss consultation requirements. If it is determined that any Federal agency program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. Alternatively, informal consultation can be continued so we can work together to determine how the project could be modified to reduce impacts to listed species to the "not likely to adversely affect" threshold. If it is concluded that the project "is not likely to adversely affect" listed species, we should be asked to review the assessment and concur with the determination of not likely to adversely affect.

For those actions where a biological assessment is necessary, it should be completed within 180 days of receipt of a species list, but can be extended by mutual agreement between the lead agency and the Fish and Wildlife Service (Service). If the assessment is not initiated within 90 days of receipt of a species list, the list of threatened and endangered species should be verified with me prior to initiation of the assessment. The biological assessment may be undertaken as part of the agency's compliance of section 102 of the National Environmental Policy Act (NEPA), and incorporated into the NEPA documents. The Service recommends that biological assessments include:

1. a description of the project;
2. a description of the specific area potentially affected by the action;
3. the current status, habitat use, and behavior of threatened and endangered species in the project area;
4. discussion of the methods used to determine the information in item 3;
5. direct and indirect impacts of the project to threatened and endangered species;
6. an analysis of the effects of the action on listed and proposed species and their habitats including cumulative impacts from Federal, State, or private projects in the area;
7. measures that will reduce or eliminate adverse impacts to threatened and endangered species;
8. the expected status of threatened and endangered species in the future (short and long term) during and after project completion;
9. determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species;
10. determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species;
11. alternatives to the proposed action considered, a summary of how impacts of those alternatives on listed and proposed species would differ from the proposed action, and the reasons for not selecting those alternatives.
12. citation of literature and personal contacts used in the assessment.

A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for section 7 compliance

remains with the Federal agency, and written notice should be provided to the Service upon such a designation. We recommend that Federal agencies provide their non-Federal representatives with proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

Section 7(d) of the Act requires that the Federal agency and permit or license applicant shall not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

Regarding species proposed for listing, Federal agencies must determine whether any of their proposed activities are likely to jeopardize the continued existence of the species. If jeopardy is likely, that agency must confer with the Fish and Wildlife Service.

We will work with the lead Federal agency in the section 7 consultation process. The analysis of project impacts must assess direct impacts of the project, as well as those impacts that are interrelated to or interdependent with the proposed action. Impacts to listed species on non-Federal lands must be evaluated along with such impacts on Federal lands. Any measures that are ultimately required to avoid or reduce impacts to listed species will apply to Federal as well as non-Federal lands.

These preliminary scoping comments are made pursuant to the National Environmental Policy Act, the Endangered Species Act and Fish and Wildlife Coordination Act. Please keep this office informed of any developments or decisions concerning this project.

If you have any questions please contact Terry A. Root of my staff at the letterhead address or phone (307) 587-2216.

cc: Director, WGFD, Cheyenne, WY  
Nongame Coordinator, WGFD, Lander, WY